

FORM PTO-1390
(F v 5-93)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

METPAT P77AUS

U.S. APPLICATION NO. **10/540777**

INTERNATIONAL APPLICATION NO.

PCT/IB2004/003552

INTERNATIONAL FILING DATE

August 26, 2004

PRIORITY DATE CLAIMED

August 26, 2003

TITLE OF INVENTION

DISPOSABLE CUP TO BE SET UP ON A SPRAY GUN FOR PREPARING, APPLYING AND PRESERVING A PAINT

APPLICANT(S) FOR DO/EO/US

Michel CAMILLERI and Joseph GUARINO

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau. (PCT/IB/308 mailed)
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)) is attached.
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98 with PTO/SB/08A/08B.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification w/Marked-Up Version of Amended Specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:

<input type="checkbox"/> Preliminary Examination Report <input type="checkbox"/> Annexes to Pre. Ex. Rep. <input checked="" type="checkbox"/> International Search Report <input type="checkbox"/> German Novelty Search Report <input checked="" type="checkbox"/> 4 copies of citations <input type="checkbox"/> Form PCT/IB/308 <input checked="" type="checkbox"/> International Publ. No. WO 2005/018815 (Face page only)	<input checked="" type="checkbox"/> Copy of Request <input checked="" type="checkbox"/> Submission of Formal Drawings <input checked="" type="checkbox"/> 6 sheets of formal drawings <input checked="" type="checkbox"/> Abstract <input checked="" type="checkbox"/> Applicant Claims Small Entity Status <input type="checkbox"/> Copy of Notification of File Missing Parts <input type="checkbox"/> German Language Specification
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CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Transmittal Letter and the papers indicated as being transmitted therewith is being deposited with the United States Postal Service on this date **June 27, 2005** in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **EV 622271457 US** addressed to the: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Michael J. Bujold

(typed or printed name of person mailing paper)


(signature of person mailing paper)

<p>17. ■ The following fees are submitted:</p> <p>Basic National Fee (37 CFR 1.492(a)(5): Search Report has been prepared by the EPO or JPO \$1000.00 International preliminary examination fee paid to USPTO (37 CFR 1.492)(a)(1) .. \$750.00 No international preliminary examination fee paid to USPTO (37 CFR 1.492)(a)(2) but international search fee paid to USPTO (37 CFR 1.445(a)(2)). \$790.00 Neither international preliminary examination fee (37 CFR 1.492)(a)(3) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$1,110.00 International preliminary examination fee paid to USPTO (37 CFR 1.492)(a)(4) and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =</p> <p>Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Claims</th> <th style="width: 15%;">Number Filed</th> <th style="width: 15%;">Number Extra</th> <th style="width: 15%;">Rate</th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>21-20 =</td> <td>1</td> <td>x \$ 50.00</td> </tr> <tr> <td>Independent Claims</td> <td>1-3 =</td> <td>0</td> <td>x \$200.00</td> </tr> <tr> <td colspan="3">Multiple dependent claim(s) (if applicable)</td> <td>+ \$360.00</td> </tr> </tbody> </table> <p style="text-align: right;">TOTAL OF ABOVE CALCULATIONS =</p> <p>Reduction by 1/2 for filing by small entity, if applicable. Applicant Claims Small Entity Status. (Note 37 CFR 1.9, 1.27, 1.28).</p> <p style="text-align: right;">SUBTOTAL =</p> <p>Processing fee of \$130.00 for furnishing the English translation later the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</p> <p style="text-align: right;">TOTAL NATIONAL FEE =</p> <p>Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property</p> <p style="text-align: right;">TOTAL FEES ENCLOSED =</p>				Claims	Number Filed	Number Extra	Rate	Total Claims	21-20 =	1	x \$ 50.00	Independent Claims	1-3 =	0	x \$200.00	Multiple dependent claim(s) (if applicable)			+ \$360.00	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">CALCULATIONS</th> <th style="width: 50%;">PTO USE ONLY</th> </tr> <tr> <td>1000</td> <td></td> </tr> <tr> <td>0</td> <td></td> </tr> <tr> <td>50</td> <td></td> </tr> <tr> <td>0</td> <td></td> </tr> <tr> <td>0</td> <td></td> </tr> <tr> <td>1050</td> <td></td> </tr> <tr> <td>525</td> <td></td> </tr> <tr> <td>525</td> <td></td> </tr> <tr> <td>0</td> <td></td> </tr> <tr> <td>0</td> <td></td> </tr> <tr> <td>525</td> <td></td> </tr> <tr> <td>Amount to be: refunded</td> <td>\$</td> </tr> <tr> <td>charged</td> <td>\$</td> </tr> </table>		CALCULATIONS	PTO USE ONLY	1000		0		50		0		0		1050		525		525		0		0		525		Amount to be: refunded	\$	charged	\$
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a. ■ A check in the amount of \$ 525 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 04-0213 in the amount of \$ _____ to cover the above fees.
 A duplicate copy of this sheet is enclosed.

c. ■ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-0213. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

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